



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2207891

Applicant Name: Julie LeDoux

Address of Proposal: 127 26th Avenue E.

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into seven unit lots in an Environmentally Critical Area. This subdivision of property is only for the purpose allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Proposed parcel sizes are: A) 1,402 sq. ft., B) 1,237 sq. ft., C) 1,165 sq. ft., D) 1,166 sq. ft., E) 1,142 sq. ft., F) 1,193 sq. ft.; and G) 2,294 sq. ft. The construction of townhouses has been approved under Project # 2105264.

The following approval is required:

Short Subdivision - to create seven unit lot parcels (unit lot subdivision).
(Seattle Municipal Code Chapter 23.24)

SEPA - Environmental Determination
Chapter 25.05 Seattle Municipal Code (SMC).

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Existing Conditions

The property is located in a Low-rise 2 zone. The lot is located on the west side of 26th Avenue East between East John Street to the north and East Denny Way to the south. A 16 ft wide, elevated and unimproved alley abuts the west property line of the subject site and will not be used for access. The parking for (6) six vehicles is under Building A and parking for the single family structure on parcel G will be in the existing garage that is to remain. The property is dimensioned at 80.04 ft by 119.95 ft. It is mapped as a steep slope on the environmentally critical areas maps. However, the three structures with two townhouses in each structure are under construction as was approved by project number 2105264. The site is developed with one existing single family residence which would remain. The subject property is bordered to the north, and to the south by single family residences, to the east by 26th Avenue East and to the west by a 16 foot wide unimproved alley.

Area Development

Development in the vicinity consists of a mixture of single family residences and large newer multifamily structures, which are replacing existing development in the Low-rise zone along 26th Avenue East.

Proposed Action

The applicant proposes to subdivide one parcel into seven unit lots with three 2-unit townhouses containing a total of six units. An existing single family residence with garage parking will remain and building A will have parking for 6 vehicles in a below grade parking garage. Access to the development will be from 26th Avenue East.

Public Comment

No public comment letter was received during the comment period which ended on March 26th, 2003.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Design, Construction and Land Use (DCLU); review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light; and, review by the Land Use Planner.

1. *Conformance to the applicable Land Use Code provisions;*

The parent lot provides adequate buildable area to meet applicable density, setbacks, lot coverage requirements and other land use code development standards. Any new development must conform to land use code requirements at the time of application, for the parent lot.

Land use regulations for the L-2 are designed to encourage a variety of multi-family housing types with less emphasis on ground-related units, while remaining at a scale compatible with single-family structures. Limits on height and bulk ensure a building scale that is consistent with the development on single lots and with the lower building heights characteristic of most lower density residential areas (SMC 23.12.60).

2. *Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.53.005;*

The proposed parcels will have adequate utilities and fire protection through use of an ingress, egress, walkway and utilities easement. Current code regulations according to SMC 23.45.018 B that require access to parking from an alley are waived in this instance due to the elevated grade of the alley. Parking for 6 vehicles will be in a below grade garage under Building A and will be accessed from 26th Avenue East. Seattle City Light has reviewed and approved this application to inclusion of the Seattle City Light easement as described in the memorandum dated March 18th, 2003. The Seattle Fire Department reviewed and approved this proposal.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

The existing structure located upon proposed Parcel G is connected to an 8-inch public combined sewer (PS) located in 26th Avenue East right-of-way and is available for discharge from the proposal site. There is a 30-inch public storm drain (PSD) to the north located on the south side of East John Street; however it ties back into the combined sewer system further downstream.

Stormwater detention, for drainage, with controlled release to the PS in 26th Avenue East, is likely to be required for construction in excess of 2000 sq. ft. developmental coverage. Plan review requirements will be made at time of building permit application in accordance with any applicable stormwater ordinances in effect at that time. If the project is greater than 5000 sq. ft. of new or replaced impervious surface, a comprehensive drainage control plan, prepared in accordance with SMC 22.802.015D and 22.802.020, may be required.

Seattle Public Utilities reviewed this unit lot subdivision application and approved a Water Availability Certificate, No. 2003-0316, on April 1st, 2003. All conditions on the certificate must be met prior to receiving water service.

The Seattle Transportation Department's Street Use Division must be contacted for side sewer permits for future construction.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed unit lot subdivision is consistent with relevant L-2 zone land use policies and meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis and decision. The public use and interests are served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

The Townhouse construction permit # 2105264 dealt with all the Environmentally Critical Areas.

This application is for the division of property only, therefore, no additional impact to Environmentally Critical Areas shall apply.

6. *Is designed to maximize the retention of existing trees;*

The screening and landscaping requirements of SMC 23.45.015 require trees for new development in Lowrise zones. The plat does not propose any changes to trees that were not previously reviewed under Project No. 2105264. Therefore, the plat maximizes the retention of existing trees.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Section 23.24.045 of the Seattle Municipal Code provides that under certain circumstances some types of parcels may be created that do not individually meet the zoning requirements for lot size, setbacks, density, and structure width and depth. These are called unit lot subdivisions and may be permitted as long as the development as a whole meets development standards. However, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that additional development may be limited; the following statement shall be required to be included as a note on the final short subdivision: "Individual unit lots are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED.**

ANALYSIS - SEPA

The proposal site is located in a landslide- prone and steep slope critical area. SEPA for the Environmentally Critical Areas was addressed under permit number 731462/2105264. SMC

25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigating measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (dated March 5th, 2003), and supplemental information in the project file submitted by the applicant. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D), mitigation can be considered. The scope of environmental review for this document is limited to whether the proposal is consistent with The City of Seattle Regulations and evaluating potentially significant impacts on the ECA resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including in additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

DECISION - SEPA

The decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 (2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

None.

CONDITIONS - UNIT LOT SUBDIVISION

Prior to Recording

The owner(s) and responsible party(s) shall:

1. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the unit lot subdivision shall be surveyed in the field and all property corners set in conformance with appropriate State statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the unit lot subdivision plat drawings.
2. The fact that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot, shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.
3. Include the entire Seattle City Light easement on the plat as described in their memorandum dated March 18th, 2003, and "Exhibit A to City of Seattle Unit lot Subdivision No. 2207891."
4. Provide an easement or covenant to allow for the posting of the addresses of unit lots C, D, E, and F.
5. Include, on the final recorded plat, easements for the garage, storage, ingress and egress, stairways and walkways for Pedestrian Access and utilities.

Signature: (signature on file) Date: May 1, 2003
Joan S. Carson, Land Use Planner
Land Use Division
Department of Design, Construction and Land Use

JC: vr

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